

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

WELLS FARGO BANK MINNESOTA, N.A.,  
AS TRUSTEE,

Plaintiff,

v.

RICHARD T. KILEY, PAULA M. KILEY, FIRST  
NORTH AMERICAN NATIONAL BANK,  
COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF REVENUE, FORD MOTOR  
CREDIT COMPANY, and UNITED STATES  
OF AMERICA,

Defendants.

Civil Action No. 1:08-cv-10657-NMG

STIPULATION FOR JUDGMENT AND JUDGMENT ENTRY

It is hereby stipulated and agreed between and among the plaintiff Wells Fargo Bank Minnesota, N.A. and defendants First North American National Bank, Commonwealth of Massachusetts Department of Revenue, Ford Motor Credit Company and the United States of America, (hereinafter the "Parties"), that, in accordance with a settlement of the undersigned parties, a final judgment in the above-captioned case shall be entered as follows:

1. On April 18, 2008, defendant United States of America removed this interpleader action from the Middlesex County Superior Court to this Court pursuant to 28 U.S.C. § § 1442 and 1444. (See Docket Entry No. 1.)

2. The Court entered a default against defendants Richard T. Kiley and Paula Kiley after Mr. and Mrs. Kiley failed to enter a notice of appearance or answer the plaintiff's complaint.

(See June 23, 2008 Electronic Order granting Motions for Entry of Default, Docket Entry Nos. 5 & 6.)

3. Pursuant to Judge Gorton's Electronic Order of January 13, 2009, plaintiff deposited \$40,145.38 on March 12, 2009, and \$4,345.90 on March 13, 2009, with the Registry of the Court representing the surplus proceeds of a foreclosure auction of a certain parcel of real property located at 527 Russell Street, Woburn, Massachusetts, owned by defaulted defendants Richard T. Kiley and Paula Kiley, plus accrued interest (hereinafter the "Stake.")

4. The Parties agree that the Stake should be distributed in the following priority and amounts:

- A. First to First North American National Bank in the amount of \$11,161.92, plus interest accruing at the rate of \$3.73 per diem from April 30, 2009;
- B. Second to Ford Motor Credit Company in the amount of \$10,021.72, plus interest accruing at the rate of \$2.44 per diem from April 1, 2009;
- C. Third to the United States in the amount of \$492.52, plus interest accruing at the rate of \$0.07 per diem from October 31, 2008;
- D. Fourth to the Commonwealth of Massachusetts Department of Revenue in the amount of \$1,187.60, plus interest accruing at the rate of \$0.16 per diem from March 31, 2009;
- E. Fifth to the United States in the amount of \$7,036.21, plus interest accruing at the rate of \$0.96 per diem from October 31, 2008;
- F. Sixth to the Commonwealth of Massachusetts Department of Revenue in

the amount of \$7,184.30, plus interest accruing at the rate of \$0.98 per diem from March 31, 2009; and

G. The remainder to the United States.

5. Defendants Richard T. Kiley and Paula M. Kiley will take nothing as a result of the Clerk's entry of default against them.

6. The Clerk of this Court shall withdraw and distribute the Stake, plus any interest and accumulations thereon, according to this stipulation and judgment entry.

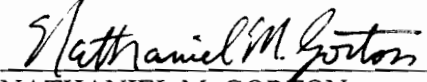
7. Any check for defendant United States of America may be drawn payable to the "U.S. Department Of The Treasury" and mailed in care of attorney Lisa L. Bellamy, U.S. Department of Justice, Post Office Box 55, Ben Franklin Station, Washington, D.C. 20044. Any check for defendant First North American National Bank may be drawn payable to First North American National Bank and mailed in care of attorney Mark Lindner, 254 Second Avenue, Needham, MA 02494. Any check for defendant Commonwealth of Massachusetts Department of Revenue may be drawn payable to Massachusetts Department of Revenue and mailed in care of attorney Eileen Ryan McAuliffe, Litigation Bureau, Massachusetts Department of Revenue, P.O. Box 9565, Boston, MA 02114-9565. Any check for defendant Ford Motor Credit Company may be drawn payable to Ford Motor Credit Company and mailed in care of attorney Mitchell J. Levine, Nair & Levin PC, 707 Bloomfield Avenue, Bloomfield, CT 06002.

8. Each of the undersigned parties shall bear its own costs of litigation, including any possible attorneys fees.

9. Since there is no just reason for a delay, the Court shall, pursuant to Fed. R. Civ. P. 54(b), enter a final judgment as to the matters resolved herein.

IT IS SO ORDERED, ADJUDGED, AND DECREED:

Dated: 7/2/09

  
NATHANIEL M. GORTON  
UNITED STATES DISTRICT JUDGE

AGREED:

WELL FARGO BANK MINNESOTA, N.A.  
Plaintiff

By: */s/ John T. Precobb*  
John T. Precobb (BBO#561931)  
Orlans Moran PLLC  
45 School Street  
Boston, MA 02108  
Phone: 617-502-4116

FIRST BANK OF SOUTH JEFFCO, as  
successor to First North American National Bank  
Defendant

*/s/ Mark Linder*  
By: Mark Linder (BBO#300680)  
Mark Lindner & Associates, PC  
254 Second Avenue  
Needham, MA 02494  
Phone: 781-247-1100

FORD MOTOR CREDIT COMPANY  
Defendant

*/s/ Mitchell J. Levine*  
By: Mitchell J. Levine (BBO#638576)  
Nair & Levin PC  
707 Bloomfield Avenue  
Bloomfield, CT 06002  
Phone: 860-242-7585

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF REVENUE SERVICES  
Defendant

*/s/ Eileen Ryan McAuliffe*  
By: Eileen Ryan McAuliffe (BBO#435260)  
100 Cambridge Street  
P.O. Box 9565  
Boston, MA 02214-9565  
Phone: 617-626-3217

UNITED STATES OF AMERICA,  
Defendant

*/s/ Lisa L. Bellamy*  
By: Lisa L. Bellamy  
Trial Attorney, Tax Division  
U.S. Department of Justice  
Post Office Box 55  
Ben Franklin Station  
Washington, D.C. 20044  
Phone: (202) 307-6416  
Fax: 202-514-5238  
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